IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Original Jurisdiction

Dated Nainital the 7th day of January 2004

Crl. Bail Application No. 14 of 2004

Order on the Bail Application

CRIMINAL SIDE

Jassa S/o Shri Mangat Singh,
R/o Thande Pind Amritsar
P.S. Sardar
Amritsar (Punjab) …... Applicant

Vs.

State of Uttaranchal. ……. Opposite Party

Crime No. 80 of 2003.
Under Sections 18/20 N.D.P.S. Act
P.S. G.R.P.Haridwar,
District- Haridwar

By the court.

Hon,ble Rajesh Tandon, J.

Heard Sri Rajendra Singh learned counsel for the accused/applicant and learned A.G.A.

Learned counsel for the applicant has submitted inter-alia, that 5 Kg Poppy Straw has been recovered from the applicant-accused which is lesser than commercial quantity; that the provision u/s 50 of the N.D.P.S. Act has not been complied with.

Both the parties have pointed out the notification specifying small quantity and commercial quantity under Sub clause vii (a) and xxiii (a) of Section 2 of the N.D.P.S. Act, 1985, in which 1000 gms of Poppy Straw is shown as small quantity whereas 50 kg is shown as commercial quantity.

Considering the aforesaid facts, it is a fit case for grant of bail.

Let the applicant Jassa be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Special Judge, N.D.P.S. Act, Haridwar.

Dated 07.01.2004: **(Rajesh Tandon, J.)**
NCM